

Message Text

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ACTION NEA-12

INFO OCT-01 EUR-25 ADP-00 IO-12 OMB-01 CIAE-00 DODE-00

NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00 PM-09 H-02

INR-10 L-03 NSC-10 PA-03 RSC-01 PRS-01 SS-15 RSR-01

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 4427

INFO AMEMBASSY LONDON IMMEDIATE

AMEMBASSY ISLAMABAD

AMEMBASSY DACCA

USUN NEW YORK 1529

AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL MADRAS

C O N F I D E N T I A L NEW DELHI 5838

LONDON FOR LAMBRAKIS FOR AMBASSADOR MOYNIHAN

E. O. 11652: GDS

TAGS: PFOR, PK, IN, BG

SUBJ: ASSESSMENT OF CURRENT INDO- PAKISTAN- BANGLADESH NEGOTIATIONS

REF: STATE 093487

BEGIN SUMMARY: WHAT THE INDIANS WANT, IN BRIEF, IS TO GET RID OF THE POW' S, FACILITATE THE EXCHANGES OF BENGALLEES AND BIHARIS IN A MANNER ACCEPTABLE TO BANGLADESH AND TO GET ON WITH THE REST OF THE SIMLA PROCESS BILATERALLY WITH PAKISTAN. ON THE POW' S THE LIMIT FOR INDIA IS WHAT BANGLADESH WILL AGREE TO. END SUMMARY.

1. WE ARE IN THE DARK AS TO THE LANGUAGE IN AZIZ AHMED' S LETTER TO SWARAN SINGH OR SWARAN SINGH' S REPLY. IT MAY WELL BE, AS
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ISLAMABAD' S 4018 SUGGESTS, THAT THE INDIANS MISINTERPRETED THE PAKISTAN POSITION. THE INDIANS, ON THE OTHER HAND, FEEL THAT PAKISTAN IS MISINTERPRETING THEIRS. OUR IMPRESSION (DELHI 5470) CONTINUES TO BE THAT, ON SUBSTANCE, INDIA, PAKISTAN AND BANGLADESH ARE NOT THAT FAR APART: THEY ALL AGREE THAT POW' S, BENGALLEES, AND BIHARIS SHOULD BE EXCHANGED. THE DIFFERENCES ARE OVER THE 195 POW' S TO BE TRIED AND THE DEFINITION AND NUMBERS OF BIHARIS WHO WILL BE INVOLVED. EVEN THE QUESTION OF TRIALS WOULD SEEM TO BE A RED HERRING IN THAT THE PAKISTANIS HAVE APPEARED TO ACCEPT THESE IN PRINCIPLE BUT ARE UNHAPPY OVER THE DEFINITION OF CRIMES FOR WHICH POW' S ARE TO BE TRIED. MUTUAL SUSPICION APPEARS TO US TO CONTINUE TO BE A GREATER OBSTACLE TO AGREEMENT THAN THE ISSUES.

2. POLITICAL COUNSELOR REVIEWED THE CURRENT SITUATION LAST NIGHT WITH FOREIGN MINISTRY JOINT SECRETARY FOR PAKISTAN, ASHOK CHIB. CHIB SAID INDIA WAS STILL UNCERTAIN WHAT TO DO ABOUT THE PAKISTAN PETITION TO THE ICJ AND WAS PREPARING TO DISCUSS THE PROBLEM WITH BANGLADESH. THE KEY CONCERN INDIA FELT, CHIB SAID, WAS THAT PLACING THE POW ISSUE BEFORE THE ICJ APPEARED CERTAIN TO DELAY ANY SETTLEMENT ON THE PRISONERS FOR MONTHS, AND THIS MIGHT DELAY THE WHOLE NEGOTIATING PROCESS. POLITICAL COUNSELOR RAISED SUGGESTION OFFERED BY SATTAR IN ISLAMABAD 4018 THAT ADJUDICATION BY ICJ COULD PROVIDE "FACE- SAVING" MEANS OF AVOIDING TRIALS IF BANGLADESH WISHED TO FIND SUCH AN OUT, OR POSSIBLY EVEN FOR PAKISTANI ACCEPTANCE OF TRIALS IF ICJ RULED THAT WAY. CHIB SAID HE HAD NOT THOUGHT OF THIS POSSIBILITY BUT THAT, IN ANY EVENT, COURT PROCESS WOULD CLEARLY RESULT IN DELAYING A SETTLEMENT.

3. POLITICAL COUNSELOR ASKED WHY INDIA- PAKISTAN- BANGLADESH COULD NOT PROCEED TO DISCUSS REMAINDER OF THE ISSUES, LEAVING POW' S ASIDE. CHIB AGREED THIS WAS ONE POSSIBILITY BUT SAID THE MAIN PROBLEM WAS BANGLADESH REACTION. PAKISTAN, HE SAID, APPEARED TO BE FOCUSING ON LEGALITIES OF ISSUE AND LEAVING ASIDE POLITICAL REALITIES. (AT THIS POINT CHIB RATHER ADMIRINGLY OBSERVED THAT PAKISTANI PETITION TO ICJ WAS BASED ON VERY SOPHISTICATED GROUND S, AND IMPLICITLY SUGGESTED PAKS MIGHT WELL HAVE STRONG LEGAL BASIS FOR THEIR APPEAL.) BANGLADESH FELT IT HAD ALREADY MADE NUMBER OF CONCESSIONS BUT PAKS WERE CONTINUING PRESSURE THROUGH ARREST OF BENGALLEES IN CONFIDENTIAL

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PAKISTAN AND NOW ICJ GAMBIT. CHIB CLEARLY ANTICIPATED STRONG BANGLADESH RESISTANCE TO ANOTHER COMPROMISE PUTTING POW' S FOR TRIAL TO ONE SIDE.

4. CHIB SAID THAT REAL PROBLEM INDIA HAD WAS IN DEDUCING WHAT BHUTTO WAS REALLY AFTER. HE HAD SPECULATED PREVIOUSLY THAT PERHAPS PAKISTAN WAS REALLY NOT THAT ANXIOUS TO HAVE THE POW' S

BACK. HE INCREASINGLY INCLINED TO FEEL THAT THIS MIGHT BE THE CASE, IMPLAUSIBLE THOUGH EVEN HE HAD FELT HIS HYPOTHESIS WAS ORIGINALLY.

5. IN SUM, OUR IMPRESSION IS THAT THE INDIANS FEEL FRUSTRATED, CAUGHT IN THE MIDDLE, AND UNABLE TO BREAK OUT OF THE ROLE OF GO-BETWEEN IN RELAYING INCOMPATIBLE DEMANDS BY PAKISTAN AND BANGLADESH. PRIVATELY AND PUBLICLY, HOWEVER, THEY CONTINUE TO PUT UP AN OPTIMISTIC FRONT ON THE IMPLEMENTATION OF SIMLA, PARTICULARLY AGAINST DOMESTIC INDIAN CRITICS, AND THUS FAR THEY HAVE AVOIDED ANY OFFICIAL COMMENT ON THE PAKISTAN ICJ MOVE. WE DO NOT SEE PUBLIC PROCESS THUS FAR AS ERODING POTENTIAL FLEXIBILITY FOR PRIVATE NEGOTIATIONS, EXCEPT TO EXTENT PLACING POW ISSUE BEFORE ICJ FREEZES NEGOTIATIONS IN PLACE.

6. ALL PARTIES ARE PRESENTLY PLAYING TO THE INTERNATIONAL GALLERY AND DRAWING CONCLUSIONS FROM PRIVATE CORRESPONDENCE THEY ARE CAREFUL NOT TO LET OUTSIDERS SEE FOR THEMSELVES. UNDER THESE CIRCUMSTANCES BELIEVE THAT WE SHOULD AVOID EXPRESSING JUDGMENTS ON MERITS OF THE CASE BUT CONTINUE INDICATING OUR HOPE THAT PARTIES CAN MOVE TO REAL AND PRODUCTIVE DISCUSSIONS SOON.
SCHNEIDER

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